

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,
Plaintiff,

CASE NO. CR. S-94-0162 WBS

v.

ORDER

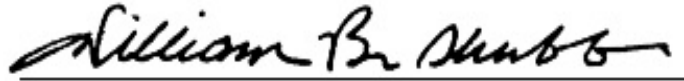
JEREMY R. BAIRD,
Defendant.

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Defendant has filed a Motion for Reconsideration of this court's minute order of December 12, 2005, denying his previous motion captioned "Motion for Entry of Minute Order." The ground asserted for the present motion is that this court "accepted and adopted a legally erroneous conclusion of the U.S. Probation Department" in denying his requested relief. Given the fact that defendant simultaneously filed a Notice of Appeal from that order, to make the record on appeal complete, a copy of the letter from the Probation Officer, dated December 9, 2005, to which that order refers, is attached hereto. Defendant's motion

for reconsideration is DENIED for the reason that the conclusion
of the Probation Officer is not erroneous or incorrect.

DATED: December 22, 2005

A handwritten signature in black ink, appearing to read "William B. Shubb", is written over a horizontal line.

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

JAY D. CRADDOCK
CHIEF U.S. PROBATION
OFFICER
1130 O STREET, ROOM 1001
FRESNO, CA 93721-2001
(559) 498-7477

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
PROBATION OFFICE

REPLY TO:
501 "I" Street, Suite 2500
SACRAMENTO 95814-
2322
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(HEADQUARTERS)

December 9, 2005

Mr. Jeremy R. Baird
Reg. No. 07486-097
U.S. Penitentiary
P.O. Box 019001
Atwater, CA 95301

RE: Credit For Jail Time

Dear Mr. Baird:

The Honorable William B. Shubb forwarded your letter to the undersigned for review and comment. It appears you believe the Bureau of Prisons is not giving you credits you believe should be credited toward your federal sentence. You point out you were arrested by state authorities on May 14, 1993, and when the state dropped charges a year later, you were turned over to federal authorities on May 2, 1994. You request the Court sign your order instructing the BOP to give you credit for the time spent in custody between May 14, 1993, and May 2, 1994.

In looking at the presentence report prepared in your case, there is information you had several detainers - one out of Placer County for Failure to Report to Jail and one out of Sacramento County for pending DUI, Assault, and Attempted Robbery. So, it is likely you were given credit on those or other matters for time spent in custody between May 14, 1993, and May 2, 1994. Therefore, you would not be getting credit toward this federal sentence also for the same time period.

I regret to inform you that only the Bureau of Prisons has the authority to calculate your credits. This is pursuant to US v Wilson, 503 U.S. 329, decided in 1999, wherein the Supreme Court held the Attorney General (i.e. BOP) makes such a determination. Therefore, even if the District Court were inclined to give you credit, the court can not do so.

Sincerely,

KAREN A. MEUSLING
Supervising United States Probation Officer

cc. WBS